

Act No. 268  
Public Act of 1989  
December 28, 1989  
Filed by the Secretary of State  
December 28, 1989

**STATE OF MICHIGAN**  
**85TH LEGISLATURE**  
**REGULAR SESSION OF 1989**

Introduced by Reps. Bender, Emmons, Bartnik, Van Regenmorter, Randall, Allen, Johnson, Miller, Ciaramitaro, Weeks, Crandall and Sparks

# ENROLLED HOUSE BILL No. 4976

AN ACT to amend sections 411a, 412a, and 617 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal certain acts and parts of acts," as amended by Act No. 322 of the Public Acts of 1984, being sections 380.411a, 380.412a, and 380.617 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 411a, 412a, and 617 of Act No. 451 of the Public Acts of 1976, as amended by Act No. 322 of the Public Acts of 1984, being sections 380.411a, 380.412a, and 380.617 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 411a. (1) Four members of the board of a first class school district shall be elected at large. The following provisions apply to the terms, nomination, and election of the at large members of the board of a school district organized as a first class school district on January 1, 1980:

(a) Four members shall be elected for a term of 4 years at the general election to be held in November, 1984 and every 4 years after 1984.

(b) Each candidate shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.534 of the Michigan Compiled Laws. The nominating petitions shall contain not less than 500 or more than 1,000 signatures of registered school electors of the city in which the first class school district is located; shall meet the requirements of section 544c of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.544c of the Michigan Compiled Laws; and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday before the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petition are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws. The clerk of the city shall notify the county clerk of the name and address of each candidate not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

(c) Each member shall commence his or her term of office on January 1 following his or her election.

(2) The board of a first class school district shall elect its officers during the month of January of each odd numbered year. The president of the board shall be a member of the board, and the duties of the president shall be determined by the board.

(3) Petitions to recall a member of the board of a first class school district filed and pending before this section becomes operative in a school district that becomes a first class school district may be withdrawn by the person or organization filing or sponsoring the recall petitions within 20 days after the section becomes operative in a school district that becomes a first class school district. A board member of a first class school district who is recalled may be a candidate for the same office at the next election for an office at which the recalled member is otherwise eligible.

(4) The term of office of each board member serving in a school district which after January 1, 1983, becomes a first class school district expires on the next succeeding December 31 of an even numbered year, except that if the school district becomes a first class school district later than April 1 of an even numbered year, the term of office of each board member expires on December 31 of the next succeeding even numbered year after the year in which the district became a first class school district. For a district becoming a first class school district, 4 school board members shall be elected in the general election of the even numbered year in which the terms of office expire, and the 4 school board members elected shall commence 4-year terms on January 1 of the odd numbered year following the general election.

(5) If a vacancy occurs on the first class school district board from among the at large members, the vacancy shall be filled by majority vote of the remaining first class school district board members at a meeting called by the president of the board for that purpose. If a person is appointed to fill a vacancy for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that first general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which at large board members are to be nominated.

(6) A candidate for the office of board member at large or a person appointed to fill a vacancy on the board pursuant to subsection (5) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the first class school district in which the person becomes a candidate or which the person is appointed to represent. If an at large member's residence is moved from the first class school district during the at large member's term of office, it shall constitute a vacating of office.

Sec. 412a. (1) In the November, 1982 election and every 4 years after 1982, 7 members of the board of a first class school district shall be elected by voting districts. Each member shall represent a voting district described in section 404b.

(2) The members shall be nominated and elected by the registered school electors of each voting district in the manner provided by law for the nomination and election of the first class school board members elected at large, except that the number of signatures required on nominating petitions of a candidate for election as a representative of a voting district shall be not less than 250 or more than 500. A signature on a nominating petition is not valid unless the petitioner is a registered school elector of the voting district in which the candidate is running for election. Not more than 2 candidates shall be nominated at the primary election for each voting district.

(3) Candidates shall be nominated at a primary held in conjunction with the preceding primary election conducted pursuant to section 534 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.534 of the Michigan Compiled Laws. Nominating petitions shall meet the requirements of section 544c of Act No. 116 of the Public Acts of 1954, as amended, being section 168.544c of the Michigan Compiled Laws, and shall be filed with the clerk of the city in which the first class school district is located on or before 4 p.m. of the twelfth Tuesday preceding the primary election. The city clerk may compare the signatures on the petitions with the signatures appearing on the registration records, or in some other proper manner determine whether the signatures appearing on the petitions are genuine and comply with the requirements of this section. With the petitions, a candidate shall file an affidavit as provided in section 558 of Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws.

(4) The 7 board members elected to represent the voting districts shall commence their terms of office on January 1 following the election.

(5) A candidate for the office of board member representing a voting district or a person appointed to fill a vacancy pursuant to subsection (6) shall be 18 years of age or older at the time of his or her election or appointment and shall be a registered school elector residing in the voting district in which the person becomes a candidate or which the person is appointed to represent. If a voting district member's residence is moved from the voting district during the voting district member's term of office, this constitutes a vacating of office.

(6) If a vacancy occurs on the first class school district board from among the voting district members, the vacancy shall be filled from among registered school electors of the voting district by majority vote of the

remaining first class school district board members. If a person is appointed to fill a vacancy in a voting district for which the unexpired term is more than 1 year and 8 months, that person shall serve until January 1 following the next general election. At that next general election the vacancy shall be filled for the unexpired term. A vacancy shall not be filled later than 60 days before a primary election at which voting district board members are to be nominated.

Sec. 617. (1) In an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated by filing nominating petitions and an affidavit as provided in section 558 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws, with the secretary of the board of the intermediate school district before 4 p.m. of the ninth Monday before the election.

(2) The nominating petitions shall be in the form provided in section 1066. Nominating petitions shall contain signatures of school electors who are registered to vote in the city or township in which they reside equal in number to not less than 1.5% of the combined pupil memberships of the constituent districts on the latest pupil membership count day. A candidate is not required to file signatures of more than 5,000 voters. Each sheet of the petition shall be circulated in 1 city or township only.

(3) Within 14 days after the last date for filing, the secretary of the intermediate school board shall certify the names and addresses of those candidates whose petitions are found to be sufficient to the secretaries of the boards of the constituent districts. The secretary of the intermediate school board shall certify the number to be elected. The secretary of the intermediate school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be sent on the next day that is not a Saturday, Sunday, or legal holiday.

(4) The intermediate school board shall provide ballots for the election of members of the intermediate school board and distribute the ballots to the secretaries of each of the constituent districts not less than 20 days before the annual school elections.

(5) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

(6) The intermediate school board of an intermediate school district adopting sections 615 to 617 shall fill a vacancy in the board's membership by appointing a member to serve until the next biennial election, at which time a member shall be elected for the balance of the unexpired term.

Section 2. This amendatory act shall not take effect unless House Bill No. 4974 of the 85th Legislature is enacted into law.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved .....

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Governor.